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7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-15**

12 **JILL ELIZABETH ELDER A.K.A. JILL**  
13 **ELIZABETH ATTWOOD**  
14 **7216 Greta Avenue**  
15 **Whittier, CA 90606**

**A C C U S A T I O N**

16 **Registered Nurse License No. RN 504431**

17 Respondent.

18 Complainant alleges:

**PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about September 23, 1994, the Board of Registered Nursing (Board) issued  
23 Registered Nurse License No. 504431 to Jill Elizabeth Elder a.k.a. Jill Elizabeth Attwood  
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
25 the charges brought herein and will expire on February 29, 2012, unless renewed.

**JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.  
28

STATUTORY PROVISIONS

4. Section 490 states:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

“(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

“(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

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1       7.     Section 2762 states:

2        “In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
4 chapter to do any of the following:

5        ....

6        “(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.”

11       8.     Section 2764 provides, in pertinent part, that the expiration of a license shall not  
12 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
13 to render a decision imposing discipline on the license.”

14       9.     Section 2811(b) provides, in pertinent part, that the Board may renew an expired  
15 license at any time within eight years after the expiration.

16                               **REGULATORY PROVISIONS**

17       10.    California Code of Regulations, title 16, section 1444, states:

18        “A conviction or act shall be considered to be substantially related to the qualifications,  
19 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
20 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
21 safety, or welfare.”

22                               **COST RECOVERY**

23       11.    Section 125.3 provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

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**(Conviction of Substantially-Related Crimes)**

a. On or about December 8, 2009, after pleading *nolo contendere*, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having a 0.08% or higher blood alcohol level], in the criminal proceeding entitled *The People of the State of California v. Jill Elizabeth Elder* (Super. Ct. Riverside County, 2009, No. INM202308). Respondent was sentenced to 51 days in County Jail, placed on probation for five years, and fined. The circumstances surrounding the conviction are that on or about August 15, 2009, an Indio California Highway Patrol Officer was dispatched to a scene advised of a property damage only traffic collision with a possible driver under the influence occurring on private property. Respondent was found at the scene in the driver's seat of the vehicle that rear ended another vehicle asleep and snoring. Respondent's engine was running and the transmission was still in reverse. Respondent stumbled and was assisted to the front of the patrol car. Respondent admitted to being the driver when the collision occurred and stated, "she had consumed an unknown amount of wine at her boyfriend's house in Rancho Mirage." Respondent had an odor of an alcoholic beverage on her breath, red and watery eyes, and her speech was slurred. Respondent was subsequently convicted of violating Vehicle Code section 23152, subdivision (b) [driving while having a 0.08% or higher blood alcohol]. [CERTIFIED POLICE REPORT HAS BEEN REQUESTED VIA FAX BY LA, IC ON 5/14/10.]

Accusation	
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1 probation for three years, and fined. The circumstances surrounding the conviction are that on or  
2 about June 16, 2009, Respondent ran a red traffic light and was stopped by the Santa Fe Springs  
3 Highway Patrol. Respondent had trouble pulling her driver's license out of her wallet and  
4 appeared to be off-balance as she sat in her vehicle. Respondent's speech was extremely slurred,  
5 her eyes were glassy and she had an odor of an alcoholic beverage emitting from her body.  
6 Respondent admitted to drinking a bottle of Cook's champagne between 1:00 and 4:00 p.m. that  
7 same day. Respondent failed to perform a series of Field Sobriety Tests (FST's) at the scene, and  
8 provided two samples of her breath into the Preliminary Alcohol Screening device (PAS) with  
9 results of .164% and .171% BAC. PAS device test numbers were 60 and 61. Respondent was  
10 subsequently convicted of violating Vehicle Code section 23152, subdivision (b) [driving while  
11 having a 0.08% or higher blood alcohol].

12 c. On or about November 20, 2009, after pleading *nolo contendere*, Respondent was  
13 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)  
14 [driving while under the influence of alcohol or drugs], in the criminal proceeding entitled *The*  
15 *People of the State of California v. Jill Elizabeth Elder* (Super. Ct. San Bernardino County, 2009,  
16 No. TMB900577). Respondent was sentenced to 23 days in County Jail, placed on probation for  
17 three years, and fined. The circumstances surrounding the conviction are that on or about April  
18 21, 2009, a San Bernardino Sheriff's Officer was dispatched to a scene where a vehicle had  
19 collided into a fire hydrant. Respondent was found to be the sole driver and owner of the vehicle.  
20 Respondent observed to be disoriented, unable to focus her attention to any questions, and had an  
21 odor of alcohol coming from her vehicle and her person. Respondent had trouble exiting her  
22 vehicle and needed assistance to unbuckle her seat belt, and to stand-up out of the vehicle, in  
23 order to avoid from falling and being injured. During an inventory search of Respondent's  
24 vehicle, two unopened 24oz. glass bottles of Cognac, and a plastic cup half filled with an  
25 unknown alcoholic beverage inside the cup were found in the passenger's seat. Respondent was  
26 subsequently convicted of violating Vehicle Code 23152, subdivision (a) [driving while under the  
27 influence of alcohol or drugs].

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1           2.     Ordering Jill Elizabeth Elder aka Jill Elizabeth Attwood to pay the Board the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3; and

4           3.     Taking such other and further action as deemed necessary and proper.

5  
6 DATED: \_\_\_\_\_

7/7/10

*Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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11 accusation.rtf  
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